

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

STUART W. FUHLENDORF,

Defendant.

CASE NO. C09-1292 MJP

ORDER ON DEFENDANT'S
MOTION TO COMPEL AND
PARTIES' MOTIONS FOR
PROTECTIVE ORDER


This comes before the Court on Defendant's Motion to Compel Plaintiff to Answer Defendant's Interrogatories (Dkt. No. 101), Plaintiff's Motion for a Protective Order (Dkt. No. 99), Defendant's Motion for a Protective Order from Deposition (Dkt. No. 106). Having reviewed the motions, all related responses, replies and supporting documents, the Court hereby ORDERS that:

1. Defendant's Motion to Compel Plaintiff to Answer Defendant's Interrogatories is GRANTED. Plaintiff is ORDERED to answer Defendant's modified set of sixty-three (63) interrogatories within ten (10) days of this Order.

- 1 2. Defendant's Motion for a Protective Order from Deposition is DENIED. There is no
2 right to condition testimony at a deposition on the receipt of answers to
3 interrogatories. To the extent he has not already been deposed, Defendant is
4 ORDERED to appear at his deposition.
- 5 3. Plaintiff's request for sanctions based on Defendant's failure to appear at his first
6 deposition is DENIED. Plaintiff was notified well in advance that Defendant would
7 be litigating the issue and would not appear for the deposition. It was the Plaintiff's
8 own decision to continue with the deposition on November 4, 2010 and Plaintiff
9 should bear the reporting costs incurred.
- 10 4. The parties are ORDERED to submit any future discovery motions through an
11 expedited Local Rule 37 submission. The Court finds Plaintiff needlessly delayed the
12 resolution of this matter by failing to cooperate with its use and filing separate
13 discovery motions.

14 The clerk is ordered to provide copies of this order to all counsel.

15 Dated this 6th day of December, 2010.

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18 Marsha J. Pechman
19 United States District Judge
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